

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GRAHAM & GRAHAM PROPERTIES
TRUST,

Plaintiff(s)

vs.

OXY USA, INC.,

Defendant(s)

: Case Number: 1:00cv922-SJD

: District Judge Susan J. Dlott

ORDER

The Court having been advised by counsel for the parties that the above matter has been settled, IT IS ORDERED that this action (including all claims by all parties) is hereby DISMISSED WITH PREJUDICE, provided that any of the parties may, upon good cause shown not later than November 23, 2004, reopen the action if settlement is not consummated. The parties may substitute a judgment entry contemplated by the settlement agreement upon approval of the Court. Parties intending to preserve this Court's jurisdiction to enforce a settlement should be aware of *Kokkonen v Guardian Life Ins. Co. of America*, 511 U.S. 375, 381-82 (1994), and incorporate appropriate language in any substituted judgment entry.

This Court explicitly retains jurisdiction to enforce settlement agreement reached by the parties, on motion or sua sponte and to consider Plaintiff's application for attorney fees, if any.

Each party shall bear its own costs.

IT IS SO ORDERED.

s/Susan J. Dlott
Susan J. Dlott
United States District Judge

Pursuant to S. D. Ohio Civ. R. 79.2(a) and (b), all models, diagrams, depositions, photographs, x-rays and other exhibits and materials filed or offered in evidence shall be withdrawn by counsel without further Order within six (6) months after final termination of the action. All materials not withdrawn shall be disposed of by the Clerk as waste.